

REMARKS/ARGUMENTS

The Office Action mailed October 4, 2005 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Finality of the Rejection

The Examiner made the Office Action final. However, this is not proper, and the Applicants respectfully request the Examiner to withdraw the finality of the Office Action.

MPEP 706.07(a) provides:

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

In the present Office Action the Examiner introduced new grounds for rejection which were not raised in the prior Office Action, dated May 4, 2005. Such new grounds include rejection of Claims 1-6, 15, 19, 22-24 and 26-27 under 35 USC 112 and rejection of Claims 9-10 and 21-23 under 35 USC 102(b) as being anticipated by French. These new grounds for rejection were not necessitated by Applicants' amendment of the claims nor an information disclosure statement.

Drawings

In paragraph 1 of the Office Action the Examiner objected to the drawings under 37 CFR 1.83(a), stating, "The drawings must show every feature of the invention specified in the claims. Therefore, the elongated ports which permit connection in flanges of different sizes of claim 15 must be shown or the feature(s) canceled from the claim(s)." The elongated ports 88 are shown in Figure 16 and therefore amendment of the drawings is not necessary.

Claim Rejections - 35 USC § 112

In paragraph 5 of the Office Action the Examiner rejected Claims 1-6, 15, 19, 22-24, and 26-27 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to

particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants have amended Claims 1, 19, 26 and 27 to overcome the rejections. However, Applicants have not amended Claims 15 and 22 for the reasons discussed below.

Concerning Claim 15 the Examiner stated, "Claim 15 recites the limitation 'bolt holes' in line 2. There is insufficient antecedent basis for this limitation in the claim." The Applicants do not understand the Examiner's statement. Bolt holes are recited in Claim 14, and Claim 15 depends from Claim 14. Also, bolt holes 103 are shown e.g. in Figure 16 and discussed at pg. 10, paragraph [0021].

Concerning Claim 22 the Examiner stated, "Claim 22 recites the limitation 'two pedestals' in line 2. There is insufficient antecedent basis for this limitation in the claim." The Applicants do not understand the Examiner's statement. According to one embodiment of the claimed invention, two pedestals 59 are shown in Fig. 5 and discussed at pg. 10, paragraph [0020]

Claim Rejections - 35 USC § 102

In paragraph 7 of the Office Action the Examiner rejected Claims 9-10 and 21-23 under 35 U.S.C. 102(b) as allegedly being anticipated by French. Applicants have amended their claims to overcome the rejection.

Claim 9

Applicants have amended Claim 9 to recite that the first tower bracket comprises a plurality of ports located to correspond to a plurality of holes in a flange of a tower section. (For example, in Applicants' Figure 12 these holes are ports 88.) On the other hand, French neither teaches nor suggests this claimed feature. The Examiner included a marked up copy of Figure 4 of French and indicated that French's feet 70 correspond to Applicant's claimed tower brackets. The Applicants disagree with this characterization of French's feet 70; however, assuming for the purpose of discussion that the Examiner is correct, it is clear that neither French's feet 70 nor any other structure in the French device is even similar to Applicants' claimed first tower bracket comprising a plurality of ports located to correspond to a plurality of holes in a flange of a tower section. In fact French does not even teach a tower having a flange; rather, the French device is used with a container 60 which does not have flanges.

Claim 21

Applicants have amended Claim 21 to include the limitations of Claims 22 and 24 and to overcome the rejection of claim 24 under 35 USC 112 as discussed above. Since the Examiner indicated that Claim 24 would be allowable if amended to include the limitations of Claim 21 and 22 and to overcome the rejection under 35 USC 112, Applicants believe that Claim 21 as amended should be allowable.

Allowable Subject Matter

In paragraph 8 of the Office Action the Examiner allowed Claims 11-14, 16-18, and 28-30.

In paragraph 9 of the Office Action the Examiner stated, "Claim 31 is objected to as containing a minor informality, but would be allowable if rewritten to overcome the informality." The Applicants have amended Claim 31 to correct the informality.

In paragraph 10 of the Office Action the Examiner stated, "Claims 1-6 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action." As discussed above, the Applicants have amended Claim 1 to correct the informality.

In paragraph 11 of the Office Action the Examiner stated, "Claims 15, 19, 24, and 26-27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims." Concerning Claim 15 - - As explained above, the Applicants do not understand the examiner's rejection under 35 USC 112. Also, Claim 15 depends indirectly from Claim 12 and the Examiner has allowed Claim 12. Accordingly Applicants believe it is not necessary to amend Claim 15 to include the limitations of Claim 12. Concerning Claim 19 - - As explained above, the Applicants have amended Claim 19 to overcome the examiner's rejection under 35 USC 112. Also, Claim 19 depends indirectly from Claim 12 and the Examiner has allowed Claim 12. Accordingly Applicants believe it is not necessary to amend Claim 19 to include the limitations of Claim 12. Concerning Claim 24 - - As explained above, the Applicants have canceled Claim 24. Concerning Claims 26-27 - - Claims 26-27 as currently

amended depend from Claim 21, and as explained above, the Applicants have amended Claim 21 to be allowable. Therefore Claims 26 and 27 should be allowable as well.

The Restriction Requirement

In paragraph 12 of the Office Action the Examiner reasserted her restriction requirement. The Applicants reassert their traverse of the Examiner's restriction requirement made in the Office action of September 16, 2004. The restriction requirement stated:

Species A is directed to Figures 3-17 and Claims 1-7 and 9-10;
Species B is directed to Figures 19-25 and Claim 8;
Species C is directed to Figures 26-32; and,
Species D is directed to Figures 33-45.

The Applicants respectfully point out that this restriction requirement is unclear in a number of respects. For example, the Examiner's alleged Species B and C both concern allowed claims, e.g. Claim 11. The Examiner's alleged Species B is directed to Figures 19-25 which concern transportation of blades as indicated at page 6, lines 16-21. The Examiner's alleged Species C is directed to Figures 26-32 which concern transportation of nacelles as indicated at page 6, line 23 through page 7, line 1. Allowed Claim 11 concerns transportation of blades and nacelles. Accordingly, the Applicants do not understand how they can reasonably respond to the restriction requirement.

As another example of the lack of clarity of the restriction requirement, the Examiner's alleged Group D concerns Figures 33-45, which concern transportation of tower sections. To the best of the Applicants' understanding of Group D it appears to relate to allowed claims which are related to Group A, since Group A concerns tower sections. Accordingly, the Applicants do not understand how they can reasonably respond to the restriction requirement.

The Examiner pointed out in her Office Action, "The examiner directs the applicant's attention to the MPEP and specifically to MPEP section 809.02(a) which states that the examiner clearly identify each disclosed species." Applicants agree that this section of the MPEP requires that the Examiner clearly identify disclosed species. However, in view of the lack of clarity explained above, the Applicants request that the Examiner withdraw the restriction requirement and substitute a new restriction requirement as follows:

Group A is directed to Claims 1-7 and 9-31.
Group B is directed to Claim 8.

Applicants would respond to this restriction requirement by electing Claims 1-7 and 9-31.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

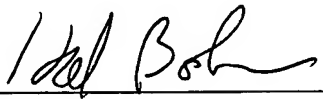
If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

THELEN REID & PRIEST, LLP

Dated: Jan 4, 2006



Hal Bohner
Reg. No. 27,856

Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 292-5800
Fax. (408) 287-8040